

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>BRIAN M. PACHECO,</b>	:	<b>CIVIL ACTION NO. 3:17-CV-429</b>
	:	
<b>Plaintiff</b>	:	<b>(Chief Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>NANCY A. BERRYHILL, Acting</b>	:	
<b>Commissioner of Social Security,</b>	:	
	:	
<b>Defendant</b>	:	

**ORDER**

AND NOW, this 23rd day of February, 2018, upon consideration of the report (Doc. 16) of Magistrate Judge Joseph F. Saporito, Jr., recommending that the court deny the appeal of Brian M. Pacheco (“Pacheco”) from the decision of the administrative law judge denying Pacheco’s application for disability insurance benefits, and it appearing that Pacheco did not object to the report, see FED. R. Civ. P. 72(b)(2), and the court observing that failure of a party to timely object to a magistrate judge’s conclusions “may result in forfeiture of *de novo* review at the district court level,” Nara v. Frank, 488 F.3d 187, 194 (3d Cir. 2007) (citing Henderson v. Carlson, 812 F.2d 874, 878-79 (3d Cir. 1987)), but that, as a matter of good practice, a district court should “afford some level of review to dispositive legal issues raised by the report,” Henderson, 812 F.2d at 878; see also Taylor v. Comm’r of Soc. Sec., 83 F. Supp. 3d 625, 626 (M.D. Pa. 2015) (citing Univac Dental Co. v. Dentsply Int’l, Inc., 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010)), in order to “satisfy itself that there is no clear error on the face of the record,” FED. R. CIV. P. 72(b), advisory committee notes, and, following an independent review of the record, the court being in agreement

with Judge Saporito that the decision of the administrative law judge is “supported by substantial evidence,” 42 U.S.C. § 405(g); Fargnoli v. Massanari, 247 F.3d 34, 38 (3d Cir. 2001), and concluding that there is no clear error on the face of the record, it is hereby ORDERED that:

1. The report (Doc. 16) of Magistrate Judge Saporito is ADOPTED.
2. The decision of the Commissioner of Social Security (“Commissioner”) denying the application for disability insurance benefits of Brian M. Pacheco (“Pacheco”) is AFFIRMED.
3. The Clerk of Court shall enter judgment in favor of the Commissioner and against Pacheco as set forth in paragraph 2.
4. The Clerk of Court is directed to CLOSE this case.

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania